

## Frequently Asked Questions

### Can I have my lawyer with me?

Yes. In fact, it is advisable to bring your lawyer to mediation.

### What if I cannot afford a lawyer?

If you cannot afford a lawyer and you meet the indigency requirements, a lawyer can be appointed for you if you wish.

### How long will the mediation take?

Mediations have no time requirement. Plan to be there for three or more hours to allow everyone to fully discuss the issues. If transportation is a problem for you, please let someone know as soon as possible.

### What can I gain from this?

Your child will have a better opportunity to find a permanent living situation faster and you will help make decisions about that placement.

### What if I choose not to participate?

You may be ordered to attend mediation, but no one can force you into an agreement. If you do not fully participate in mediation, your case will proceed as if mediation had never taken place. However, you may never again have the chance to speak with everyone concerned about your child in a safe, confidential environment. You are being given a valuable opportunity to have a say about the permanent placement of your child.

## Message From the Chief Justice



Finding safe, permanent homes for children affected by dependency, neglect and abuse is of the utmost importance. The Kentucky Court of Justice is working to overcome obstacles to permanent placements for Kentucky children in crisis.

Child Protection Mediation provides a unique opportunity for all interested parties, including biological parents, to develop creative solutions that serve the best interests of children. I encourage all participants to take full advantage of this innovative program.

*Joseph E. Lambert*  
*Chief Justice of Kentucky*



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*What you should  
know about*

## Child Protection Mediation



## A Guide for Parents

**Sponsored by the  
Administrative Office of the Courts  
Child Protection Mediation Program**

## Finding the Best Solutions for Your Child

Mediation is an alternative to court that allows you to be involved in creating plans for your child. Mediation is a powerful tool for solving problems. Parties meet with a neutral person who helps them talk about their concerns and



reach an agreement. It is successful about 80 percent of the time.

The goal of this type of mediation is to work together to find the best options for your child. This may include permanent placement with you, relatives, adoptive parents or legal guardians, or another living arrangement.

A trained mediator will join you, your lawyer, a social worker and other representatives from the Kentucky Cabinet for Health and Family Services to help develop a plan that would be in the best interest of your child.

The mediator will listen to all parties and help them understand each other's needs and desires. The mediator is not a judge and will not have a final say in the matter. You and the rest of the group will work together to come to a decision.

### What to Expect During Mediation

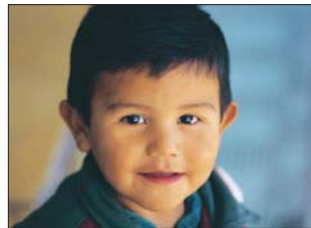
The mediation session will begin with introductions and the parties stating their reasons for being there.

The mediator will ask about the history and current status of the case. Everyone will have an opportunity to speak to the group or to the mediator alone.

Finally, the discussion will focus on the issues at hand and any possible solutions. Many options may be considered, including some you may not agree with. Coming up with multiple options, however, is just a part of the process that allows all parties to put their ideas on the table.

If everyone agrees on a plan or permanent placement, the mediator will write an agreement to be signed by all parties and present it to the judge. If the judge decides the agreement is acceptable, it will be entered as a legally binding order. To ensure the order is obeyed, anyone who violates the agreements may be held in contempt of court.

In mediation, no one is going to force you into anything you do not want. You have the right at any time to state your disagreement with a proposed plan. Do not enter into an agreement



unless you are sure it is the right thing to do. However, if you willingly enter into an agreement, it is important to know that changing your mind later will be difficult. Not only would this defeat the hard work and time put into the mediation session, it would further delay finding a permanent home for your child.



## Mediation Ground Rules

- Arrive ready to listen respectfully to others.
- Remember that your child's best interests are being discussed.
- Be open to considering a variety of options.
- Avoid swearing or rude behavior.
- Stay until the mediation session is finished.

### Mediation is Confidential

Everyone will be asked to sign a confidentiality agreement before the mediation session begins. By signing this document, you are agreeing that all discussions will stay in the mediation room. No one else, including the judge, will hear anything about what happened during mediation. However, if the mediation is successful and an agreement is reached, the judge will be given a copy of the agreement so he or she may determine if the plan is in the best interest of the child.

Confidentiality is important to this process because you and the other participants must be able to speak freely without

concern that these statements might hurt you later. If the mediation is unsuccessful, your case may need to proceed to the trial phase. If that happens, the contents of your mediation cannot be discussed and the mediator cannot be called to testify in your case.

